

Date: June 28, 2006 Planning Commission Meeting

Item No. **1.**

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Cindy Hom

Public Hearing: Yes: X No:

Notices Mailed On: 8/12/05 Published On: 8/11/05 Posted On: 8/12/05

TITLE: USE PERMIT AMENDMENT NO. UA2006-3 and SA2006-13

Proposal: A request to locate additional temporary tract signage for the KB Home residential project.

Location: 600 S. Abbott and Southwest corner of S. Abel St. and Curtis Avenue

APN: 086-05-009 and 086-11-013

RECOMMENDATION: Approval with Conditions

Applicant: Terri Everhart, Motivational Systems, Inc. 210 Boeing Ct. Ste. A Livermore, CA 94551-9258

Property Owner: KB Home, 6700 Knoll Center, Suite 200 Pleasanton, CA 94566

Previous Action(s): Tentative Map, GPA, Zone Change, "S" Zone, Use Permit

General Plan Designation: Multi-Family, High Density and Multi-Family, Very High Residential Density

Present Zoning: Multi-Family, High Density Residential and Multi-Family, Very High Density Residential with an "S"-Zone overlay (R3 and R4)

Existing Land Use: Vacant Land

Agenda Sent To: Applicant/Owner, same as above

Attachments: Plans

PJ# 2430

BACKGROUND

In January 2005, the City approved approximately 35 acres for a 683-unit residential development that includes small lot single family, townhomes, condominiums, and public park space. Approvals granted for the this residential development included: General and Specific Plan amendment, Zoning Map Amendment, Vesting Major Tentative Map, Planned Unit

Development, Site and Architectural Approval and Use Permit Approval. In August 2005, the Planning Commission approved (4) 6-foot tract advertising signs.

THE APPLICATION/ PROJECT DESCRIPTION

Pursuant to Sections XI-10-7.04-9 (Temporary Tract Offices and Tract Signs), XI-10-8.04-7 (Temporary Tract Offices and Tract Signs) and XI-30-4.06 (Temporary Tract Advertising Sign) of the Milpitas Zoning Ordinance and Milpitas Sign Ordinance, the applicant is requesting approval of a use permit amendment and "S" Zone Approval Amendment to install additional tract signage including (37) KB Home flag pole signs, (4) Series Directional Signs, and (1) Sale Center ID sign for a period of 24 months for the of the Terra Serena KB Home residential development.

For this application, the applicant is proposing (37) flag pole signs. As installed, the proposed flag poles measure 19 feet in height and display a 2'-4" x 6' banner inscribed with the KB Home logo. A total of (27) flag pole signs shall be installed along the west side of Abel Street and flank both side of Alvarez Court. The remaining (10) flag pole signs are proposed along the east side of Abel Street, between Podiums 2 and 3.

The applicant also proposes (4) 5' x 4' Series Directional Signs and (1) 4'-8" x 4' Sale Center Sign. The proposed Sales Center ID Sign and Series Directional Signs will be non-illuminated, double-faced signs that are mounted on top of two 4x4 wooden posts. The sign face is constructed with a wood panel that is covered with photo vinyl that is non-reflective and weatherproof. Proposed locations include: (3) Series Directional Signs positioned on the west side of Abel Street, (1) Series Directional Sign on east side of the intersection at Abel Street and Alvarez Court, and (1) Sales Center ID sign on the east side of Abel Street, near the driveway entrance to the Sale Center for the condominium residential buildings.

Site Description

The project site consists of two vacant parcels that are bisected by S. Abel Street. The project site borders S. Abbott Avenue and Hwy 880 on the west, residential uses to the north, Main Street on the east and Curtis Avenue and Elmwood Correctional facility to the south. Adjacent land uses include industrial and residential uses to the north, commercial and retail services to the east and the Elmwood Correctional facility to the south. Provided below is an aerial photo.



USE PERMIT FINDINGS

Any approval of a Use Permit or Use Permit Amendment requires that the Planning Commission make the following findings:

1. The proposed use is consistent with the Milpitas Zoning Ordinance.
2. The proposed use is consistent with the Milpitas General Plan.
3. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how these findings can be made for the proposed project, as conditioned.

Conformance with the General Plan

The project conforms to the General Plan in that the use directly relates to:

Implementing Policy 2.a-1-22 which encourages development of the Midtown area as an attractive and economically vital district that accommodates a mixture of housing within a system of landscaped boulevards, streets and pedestrian/bicycle linkages. The proposed project meets the intent of the Midtown Specific Plan and is part of the home selling process that will facilitate the creation of new homes within the Midtown area.

Implementing Policy 2.b-1-3 which provides housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations. The project is part of the larger housing development, which will add 683 new housing units to the city, thus, providing to Milpitas' fair share to the region.

Conformance with the Zoning Ordinance

The proposed project is located in the Multi-Family, High Density and Multi-Family, Very High Residential zoning districts (R3 and R4). Part of this district's purpose is to "provide for higher-density residential "villages" structured around streets, open spaces, trails...." The project, while not directly a residential use, is occurring to support the forthcoming residential units planned for the site.

The zoning ordinance and the sign ordinance conditionally allow temporary tract signs subject to certain requirements. As proposed, the Sales Center Sign and Series Directional signs comply with the height and location provisions of the Sign Code. However, the proposed Flag pole signs exceed the 12 foot height limit for tract signage. Per Section 55.02-3 (Structures Permitted Above Height Limit) provides an exception for flag poles to exceed height limit requirement.

With this application, the number of tract signs exceeds the six allowed per tract. Per Section 30-3.10(v)(2)(a), the Planning Commission may grant additional signs provided the grant will not be contrary or materially detrimental to public interest and welfare. The proposed signs and locations will not impact views or obstruct sight distance for vehicle and pedestrian traffic. Signs are located over 150 feet away from existing residential uses as demonstrated on the plans. The proposed signs will not obstruct or impede the customary use of driveways, sidewalks, and roadways. As a result of the additional tract signage, one of the previously approved tract advertising signs will need to be relocated to accommodate one of the series directional sign that is proposed between Podium 2 and 3. The applicant is proposing to relocate the tract advertising sign at the northern corner of Podium 1 as shown on the plans. The proposed relocation of the previously approved tract advertising sign complies with the code requirements and will be 150' away from existing residential uses and 100' away from existing signs.

The applicant also proposes to install informational signs that include landscape, safety, and in-model disclaimers, and model ID signs that display courtesy information. Proposed information signs are exempt per the Sign Code. Proposed signs comply with the 12 square foot sign area limitation and are located in areas that will not create a traffic hazard.

Neighborhood/Community Impact

The proposed use is not expected to have any impact on the neighborhood. The use itself is temporary in nature and is a common practice with the sales of any new residential project. Once the homes are sold, the tract signs will be removed, thus, not having any impact on the neighborhood. To ensure that the signs are removed once the sales period is over, *staff recommends* that the applicant enter into a signed agreement that upon cessation of the use permit, the signs shall be removed within 15 days of expiration of the use permit. The agreement shall be accompanied by a refundable cash deposit of fifty (\$50) dollars per sign. The monies shall be used to defray the cost of sign removal should the permit holder not remove the signs in a timely manner.

RECOMMENDATION

Approve Use Permit Amendment No. UA2006-3 and SA2006-13 based on the Findings and Special Conditions of Approval listed below:

FINDINGS

1. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the state CEQA Guidelines.
2. The proposed temporary tract office and signs are consistent with the City of Milpitas Zoning Ordinance and General Plan in terms of land use for Multi-Family, High Density and Multi-Family, Very High Density Residential zoning as it is a conditional use in the district.
3. As conditioned, the use will not be detrimental or injurious to the public health, safety, and general welfare to adjacent tenants or the surrounding community because the use is

temporary in nature and adequate parking will be provided for future users of the facility and construction activities will be physically separated.

4. As proposed, the temporary tract signage shall be constructed with durable materials and utilize colors that are harmonious and compatible with the surrounding land uses.

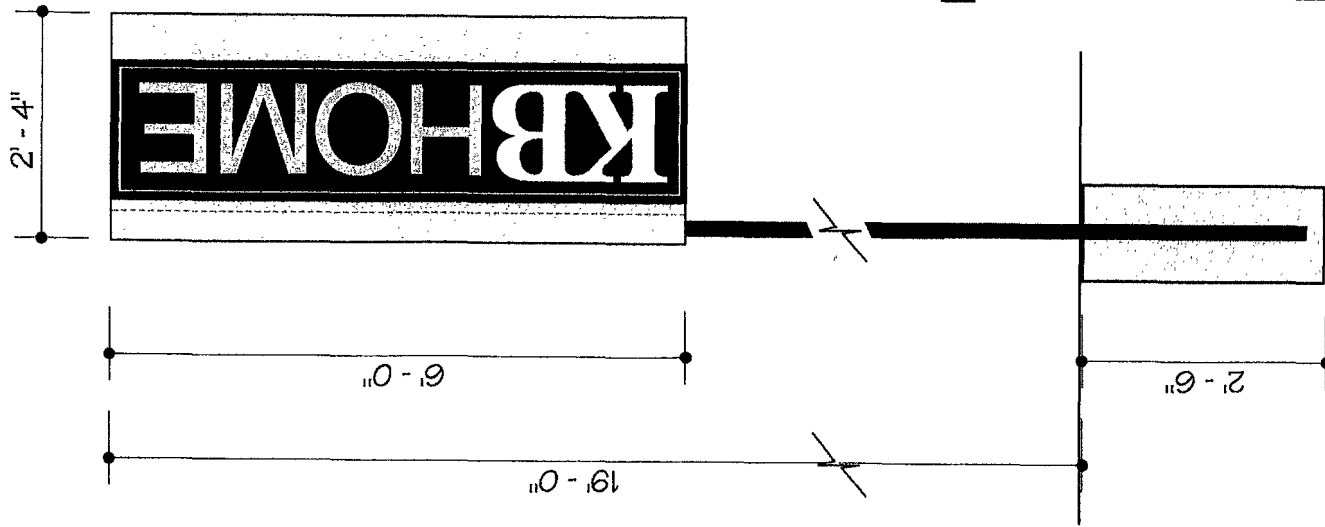
SPECIAL CONDITIONS

1. This Use Permit No. UA2006-3 and SA2006-13 approval is for (37) Flag pole signs, (4) Series Directional Signs, and (1) Sale Center Identification sign as shown on approved plans dated June 28, 2006, except as may be otherwise modified by these conditions of approval. Any modifications to the proposed signs will require review and approval by the Planning Commission and a Use Permit amendment. (P)
2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
3. This permit will expire without notification to the applicant on June 28, 2008 (24 months from the date of approval). (P)
4. All temporary tract signs shall conform to the following standards: (P)
 - a. Signs shall not exceed 12 feet in height.
 - b. Signs shall not be located within 100 feet of any existing sign.
 - c. Signs shall not be located within 150 feet from any residential buildings.
 - d. Signs shall be set back at least fifteen (15) feet from any property boundary line.
5. Prior to building permit issuance, the applicant shall enter into a signed agreement that upon cessation of the use permit, the signs shall be removed within 15 days of expiration of the use permit. The agreement shall be accompanied by a refundable cash deposit of fifty (\$50) dollars per sign. The monies shall be used to defray the cost of sign removal should the permit holder not remove the signs in a timely manner. (P)
6. If at the time of application for permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
7. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements or right of way. (E)
8. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
9. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
10. The proposed sign across from Alvarez Court on the eastside of Abel Street will be in conflict with the future signal at this intersection. Relocate the sign to the south of Able/Alvarez intersection to clear any future conflict; location of the proposed sign is subject to the City Engineer review and approval. (E)

11. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
12. It is the developer responsibility to obtain any necessary approvals or encroachment permits from affected agencies or private parties, including but not limited to Santa Clara Valley Water District. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
13. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
14. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. (E)

(P) = Planning Division

(E) = Engineering Division



- **SUB** -- BAINBRIDGE NYLON FLAG MATERIAL; LEFT & RIGHT PANEL ARE SPANISH YELLOW, CENTER PANEL IS BLACK (BLACK PANEL IS DOUBLE THICK & DOUBLE SIDED)
- **LOGO** -- "KB" & RULE ARE SCREEN PRINTED WHITE, "HOME" IS SCREEN PRINTED YELLOW TO MATCH FABRIC, (BOTH ON A BLACK BACKGROUND)
- **POLE** -- STANDARD BLACK POLE BURIED 2 1/2' BELOW GRADE



- | | | | | | |
|-------------------------------------|--------------|----------------|--------------------------|------------|----------------|
| <input type="checkbox"/> | San Diego | (619) 474-8246 | <input type="checkbox"/> | Phoenix | (602) 464-8844 |
| <input type="checkbox"/> | Denver | (303) 790-0780 | <input type="checkbox"/> | Seattle | (206) 575-4895 |
| <input type="checkbox"/> | Southern Ca. | (951) 328-2637 | <input type="checkbox"/> | Sacramento | (916) 635-0234 |
| <input type="checkbox"/> | Las Vegas | (702) 253-6470 | <input type="checkbox"/> | Fresno | (559) 431-2502 |
| <input checked="" type="checkbox"/> | Livermore | (925) 449-1900 | <input type="checkbox"/> | Austin | (512) 383-1572 |

PROJECT

TERRA SERENA

CLIENT

KB HOME - SOUTHBAY

#ODI/#ODI

587 - 00178 - 056

#OW

00036651

AE

TERRI EVERHART

DESIGNER

AREN SKALMAN

ORIGINAL DATE

1-25-06
REVISED

MAY 26 2006

SCALE
1/2" = 1'-0"
CITY OF CHICAGO
ENGINEERING DIVISION

MAC FILE NAME (GD-4)
KB HOME FLAG

LOGO IS PROD.-READY

CLIENT APPROVAL

☐ As is ☐ With revision(s)

Signature _____

Data

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- ☐ Las Vegas (702) 253-6470
- ☐ Fresno (559) 431-2502
- ☒ Livermore (925) 449-1900
- ☐ Austin (512) 383-1572

PROJECT
TERRA SERENA

CLIENT
KB HOME - SOUTHBAY

JDO#/JPO#
587 - 00178 - 056

MO#
00036651

AE
TERRI EVERHART

DESIGNER
AREN SKALMAN

ORIGINAL DATE
1-23-06

REVISIONS
1-23-06 RECEIVED

MAY 26 2006

CITY OF MILPITAS
PLANNING DIVISION
1/2" = 1' - 0"

MAC FILE NAME (GD-4)
TERRA SERENA
SALES CENTER

LOGO IS PROD.-READY

CLIENT APPROVAL

☐ As is ☐ With revision(s)

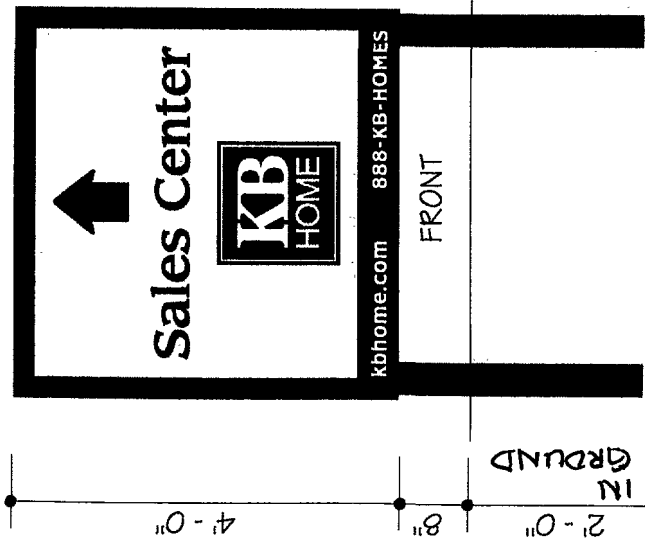
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4' - 0"



FRONT



BACK

4X4 ON-SITE SIGN

- SUB -- WOOD BOXED SIGN ON TWO (2) POSTS
- FACE -- PMS 116/YELLOW W/ BLACK BORDER
- LOGO -- "KB" & BORDER ARE WHITE ON A BLACK BACKGROUND; "HOME" IS PMS 116/YELLOW
- COPY & ARROW -- BLACK ON PMS 116/YELLOW BACKGROUND
- PHONE # & WEB ADDRESS -- WHITE ON BLACK BACKGROUND
- POSTS -- TWO (2) 4X4 WOOD PAINTED BLACK; 8" FROM GRADE TO BOTTOM OF SIGN; BURIED 2" BELOW GRADE
- FONTS -- ITC LEAWOOD & CLEARVIEW HIGHWAY 5-W

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☐ Seddle (206) 575-4895
☐ Southern Ca. (916) 635-0234
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☐ Las Vegas (702) 253-4470
☐ Fresno (559) 431-2502
☒ Livermore (925) 449-1900
☐ Austin (512) 383-1572

PROJECT

TERRA SERENA

CLIENT

KB HOME - SOUTHBAY

JDO#/JPO#

587 - 00178 - 056

MO#

00036651

AE

TERRI EVERHART

DESIGNER

AREN SKALMAN

ORIGINAL DATE

1-25-06

REVISIONS

SCALE
3/4" = 1' - 0"

MAC FILE NAME (GD-4)
KB PARKING

LOGO IS PROD. READY

CLIENT APPROVAL

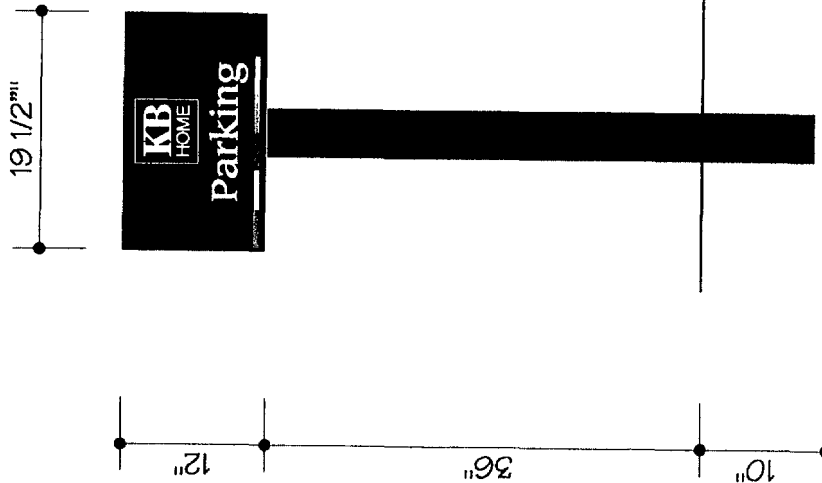
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Signature

Date

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D/F PARKING SIGN

- SUB -- MDO ON SINGLE POST
- FACE -- BLACK
- LOGO -- "KB" & BORDER ARE WHITE ON A BLACK BACKGROUND; "HOME" IS PMS 116 YELLOW
- COPY -- 65% PMS 116 YELLOW
- COLOR BAND -- PMS 180 RED, 65% PMS 116 YELLOW, 50% PMS 392 BLUE, 100% PMS 116 YELLOW & 100% PMS 647 BLUE
- POST -- 4X4 WOOD PAINTED BLACK; 3' FROM GRADE TO BOTTOM OF SIGN; BURIED 10" BELOW GRADE
- FONT -- ITC LEAWOOD

- ☐ San Diego (619) 474-9246
- ☐ Phoenix (602) 484-88
- ☐ Denver (303) 790-0780
- ☐ Seattle (206) 575-48
- ☐ Southern Ca. (951) 328-2637
- ☐ Sacramento (916) 635-02
- ☐ Las Vegas (702) 253-6470
- ☐ Fresno (559) 431-25
- ☒ Livermore (925) 449-1900
- ☐ Austin (512) 383-15

PROJECT
TERRA SERENA

CLIENT
KB HOME - SOUTH BAY

JDO#/IPO#
587 - 00178 - 056

MO#
00036651

AE
TERRI EVERHART

DESIGNER
AREN SKALMAN

ORIGINAL DATE
1-25-06

REVISIONS

SCALE
1/2" = 1' - 0"

MAC FILE NAME (GDI4)
**TERRA SERENA
SERIES DIR**

LOGO IS PROD. READY

CLIENT APPROVAL

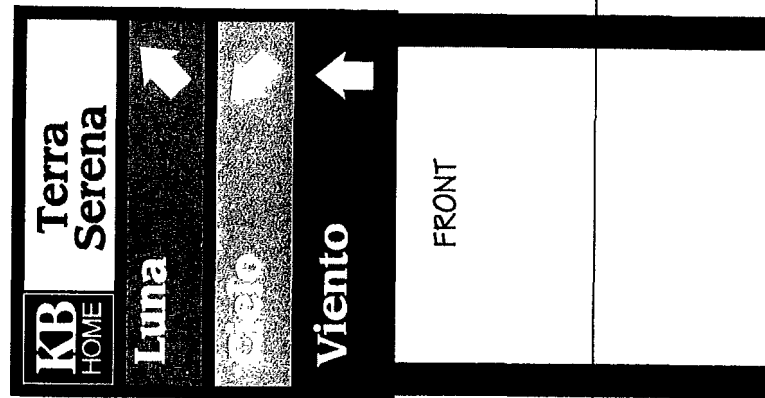
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Signature

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4' - 0"



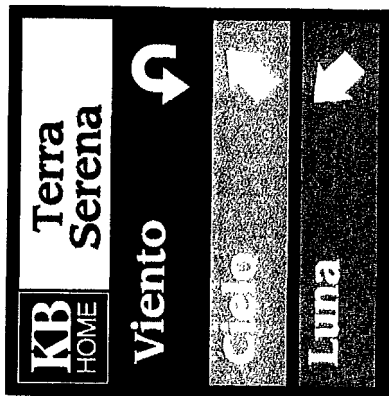
FRONT

4' - 0"

1' - 0"

2' - 0"

BACK



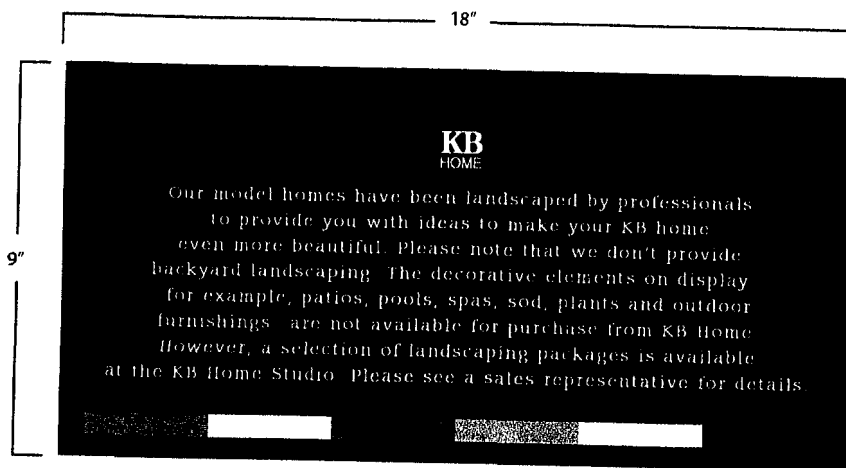
4X4 ON-SITE SIGN

- SUB** -- WOOD BOXED SIGN ON TWO (2) POSTS
- FACE** -- COLOR BLOCKS ON BLACK BACKGROUND; PROJECT BLOCK IS PMS 116 YELLOW; LUNA BLOCK IS PMS 180 RED; CIELO BLOCK IS PMS 392 GREEN; VIENTO BLOCK IS PMS 647 BLUE
- LOGO** -- "KB" & BORDER ARE WHITE ON A BLACK BACKGROUND; "HOME" IS PMS 116 YELLOW
- PROJECT NAME** -- BLACK
- COPY & ARROWS** -- WHITE
- POSTS** -- TWO (2) 4X4 WOOD PAINTED BLACK; 2' FROM GRADE TO BOTTOM OF SIGN; BURIED 2' BELOW GRADE
- FONTS** -- ITC LEAWOOD & CLEARVIEW HIGHWAY 5-W

LANDSCAPE DISCLAIMERS

The landscape disclaimer should be used in the front and back yards of each model home. In the front yard, the disclaimer should be posted in a visible location without being obtrusive or distracting. In the backyard, the disclaimer should be visible when looking out the windows of the home into the backyard.

Read each sign carefully, and select the one that applies to the landscaping offered or included at your communities. If you need something different, please work with your kb|agency team to have one written for your situation.



Specifications

- Black acrylic plex
- KB Home square logo with white rule centered at the top of sign – "KB" white and "HOME" yellow (PMS 116C)
- Disclaimer copy – Leawood Book/white type/sentence case
- Banding – PMS 180C, 116C (65%), 647C (50%), 392C, 116C and 647C
- Post-mounted
- Top of post needs to be cut at 45° angle to allow readability.
- Printing technique – silkscreened on black acrylic plex

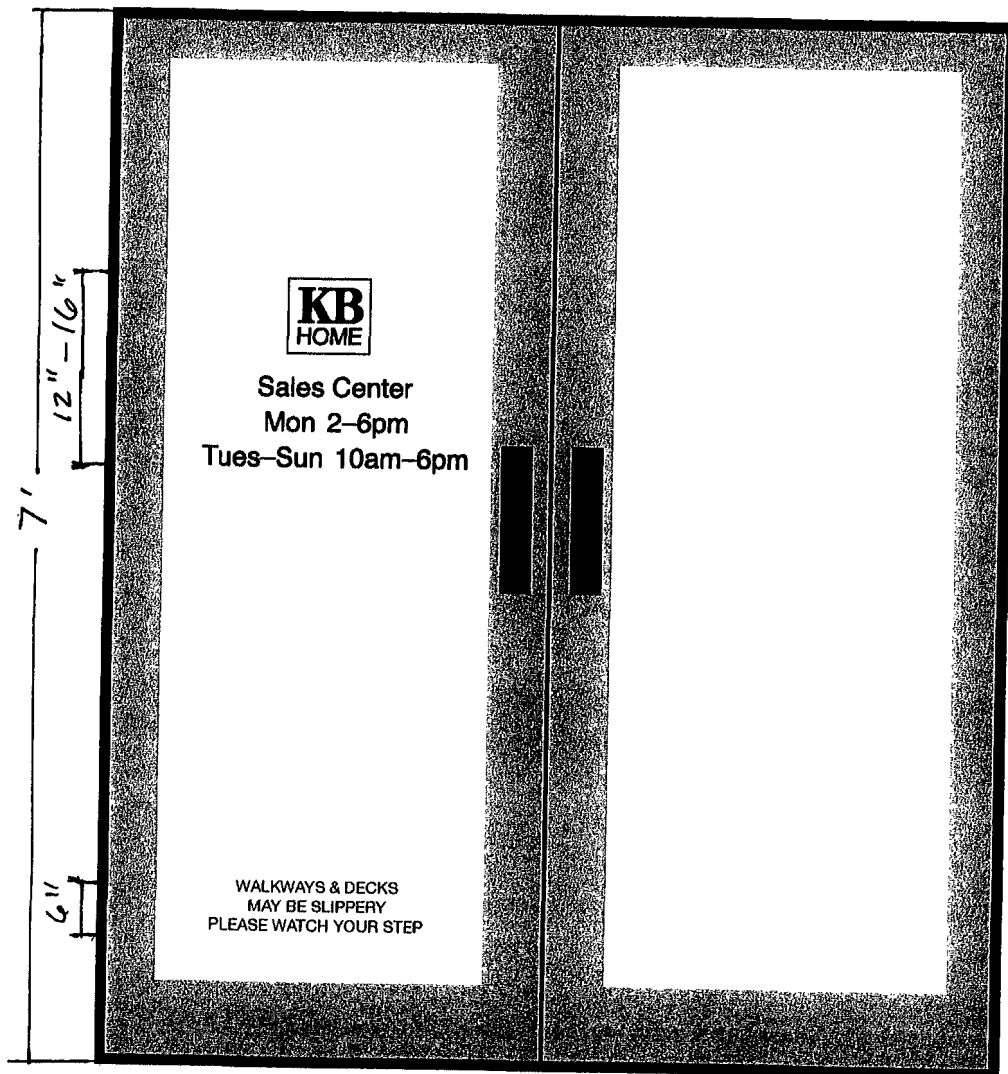
RECEIVED

MAY 22 2006

CITY OF MILPITAS
PLANNING DIVISION



OFFICE HOURS SIGN



Specifications

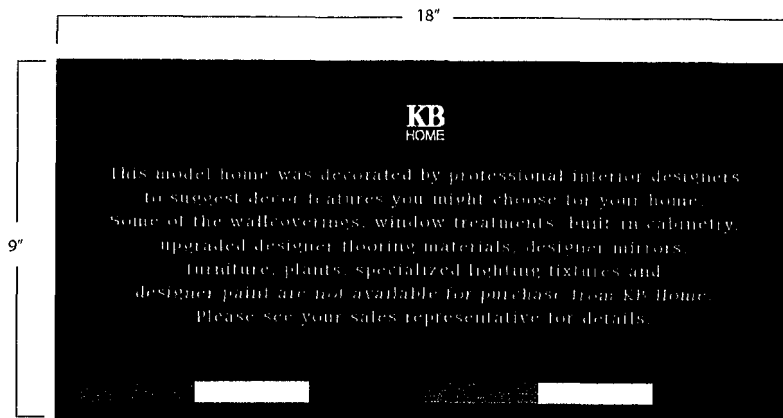
- Vinyl lettering attached to window in door
- KB Home square logo with black rule
- "Sales Center" and hours – Helvetica Regular/black type/headline style
- Do not add community phone number or any other information.
- "Walkways & decks may be slippery" – Helvetica Regular/black type/upper case



IN-MODEL DISCLAIMERS AND SIGNS

Interior design disclaimer

The interior model home disclaimer should be displayed in a visible location in each model home—it is typically located on the coffee table in the living room.



Specifications

- Black acrylic plex
- KB Home square logo with white rule centered at the top of sign –
"KB" white and "HOME" yellow (PMS 116C)
- Disclaimer copy – Leawood Book/white type/sentence case
- Banding – PMS 180C, 116C (65%), 647C (50%), 392C, 116C and 647C
- Bentfoot to accommodate table display
- Printing technique – silkscreened on black acrylic plex

MODEL ID



Specifications

- Black alumilite with applied-edge bead
- Banding – PMS 180C, 116C (65%), 647C (50%), 392C, 116C and 647C
- “Plan” and plan number – Leawood medium/yellow (PMS 116C, 65%) type/headline style (“square feet,” where applicable, is lower case)
- KB Home logo with white rule, centered in banding – “KB” white and “HOME” yellow (PMS 116C)
- Height of sign should be at eye level (approximately 5’2”).
- Plaque is applied to home exterior with double-sided tape and silicone (for stucco homes, use double-stick tape only).
- Printing technique – silkscreened or applied VCO on black alumilite

SAFETY DISCLAIMERS

Post-mounted "Watch Your Step"

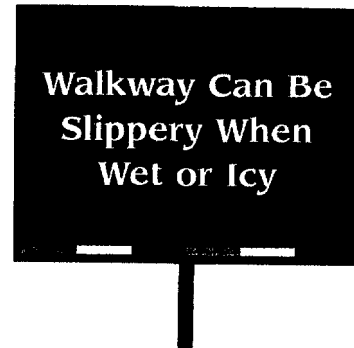


"Watch Your Step" signs should be placed in front of each model whenever there is a step up or down on the sidewalk leading up to the home. If there are multiple sets of steps leading up to the home, only one sign is necessary at the first set. If there is something awkward on the path, additional signs can be placed.

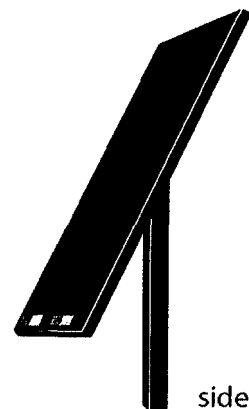
Specifications

- Black alumilite with applied-edge bead
- Face – black semi-gloss
- "Watch Your Step" and "Walking Can be Slippery When Wet or Icy" centered – Leawood medium/ yellow PMS 116C 65% type/headline style
- Banding – PMS 180C, 116C (65%), 647C (50%), 392C, 116C and 647C VCO
- Posts – black (painted with exterior satin finish)
- Top of post needs to be cut at 45° angle to allow for readability.
- Bottom of sign should be a minimum of 6" above ground.
- Printing technique – silkscreened or applied VCO on black alumilite

Additional signs



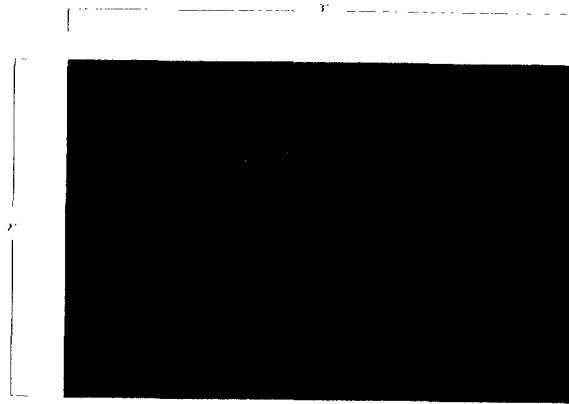
"Walkway Can Be Slippery When Wet or Icy" signs should be used in areas where applicable. Only one sign is necessary for every four model homes. The first sign is best placed between the sales center and the first model home.



side view



DOOR MAT



Specifications

- KB Home square logo with black rule centered on charcoal-gray mat with gray logo and gray type
- "Welcome" is centered below KB Home logo on mat – Leawood Medium/headline style



Systems Inc.

AWNING

- ☐ San Diego (619) 474-8246
- ☐ Phoenix (602) 484-8844
- ☐ Denver (303) 790-0780
- ☐ Seattle (206) 575-4895
- ☐ Southern Ca. (951) 328-2637
- ☐ Sacramento (916) 635-0234
- ☐ Las Vegas (702) 259-6470
- ☐ Fresno (559) 431-2502
- ☒ Livermore (925) 449-1900
- ☐ Austin (512) 383-1572

PROJECT

TERRA SERENA

CLIENT

KBHOME SOBAY

JDO#/JPO#

500 - 14601 - 056

MO#

AE

TERRI EVERHART

DESIGNER

WJM

ORIGINAL DATE

5 - 19 - 06

REVISIONS

SCALE

AS NOTED

MAC FILE NAME (LIV-1)

KB-Awning

comp.ai

LOGO IS PROD-READY

CLIENT APPROVAL

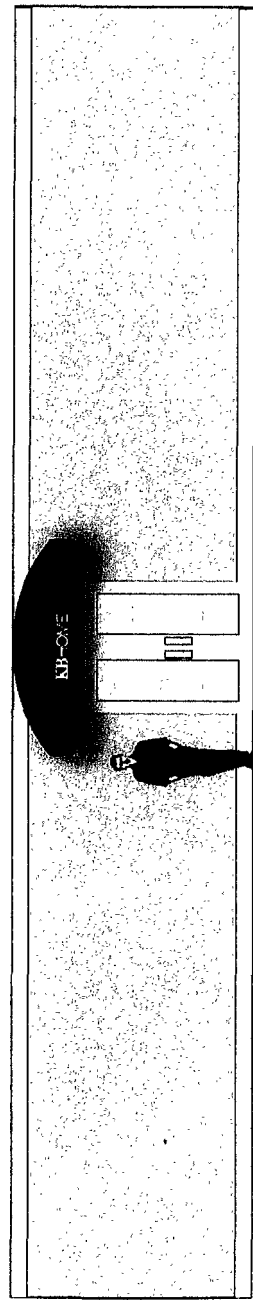
☐ As is ☐ With revision(s)

Signature

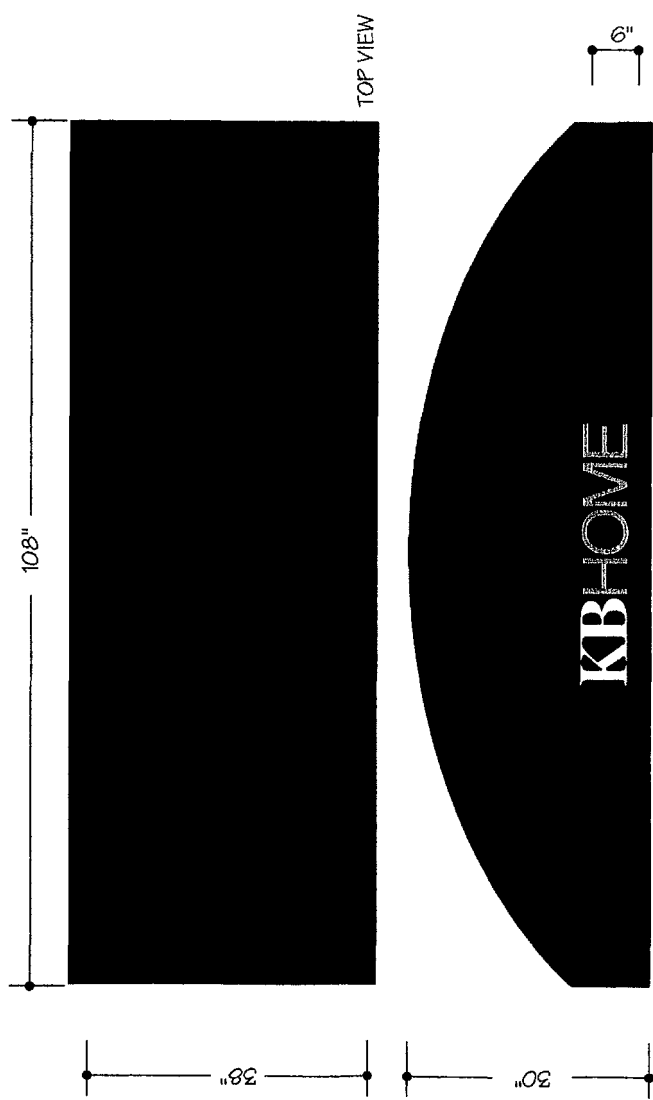
Date

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1/8" = 1' - 0"



TOP VIEW

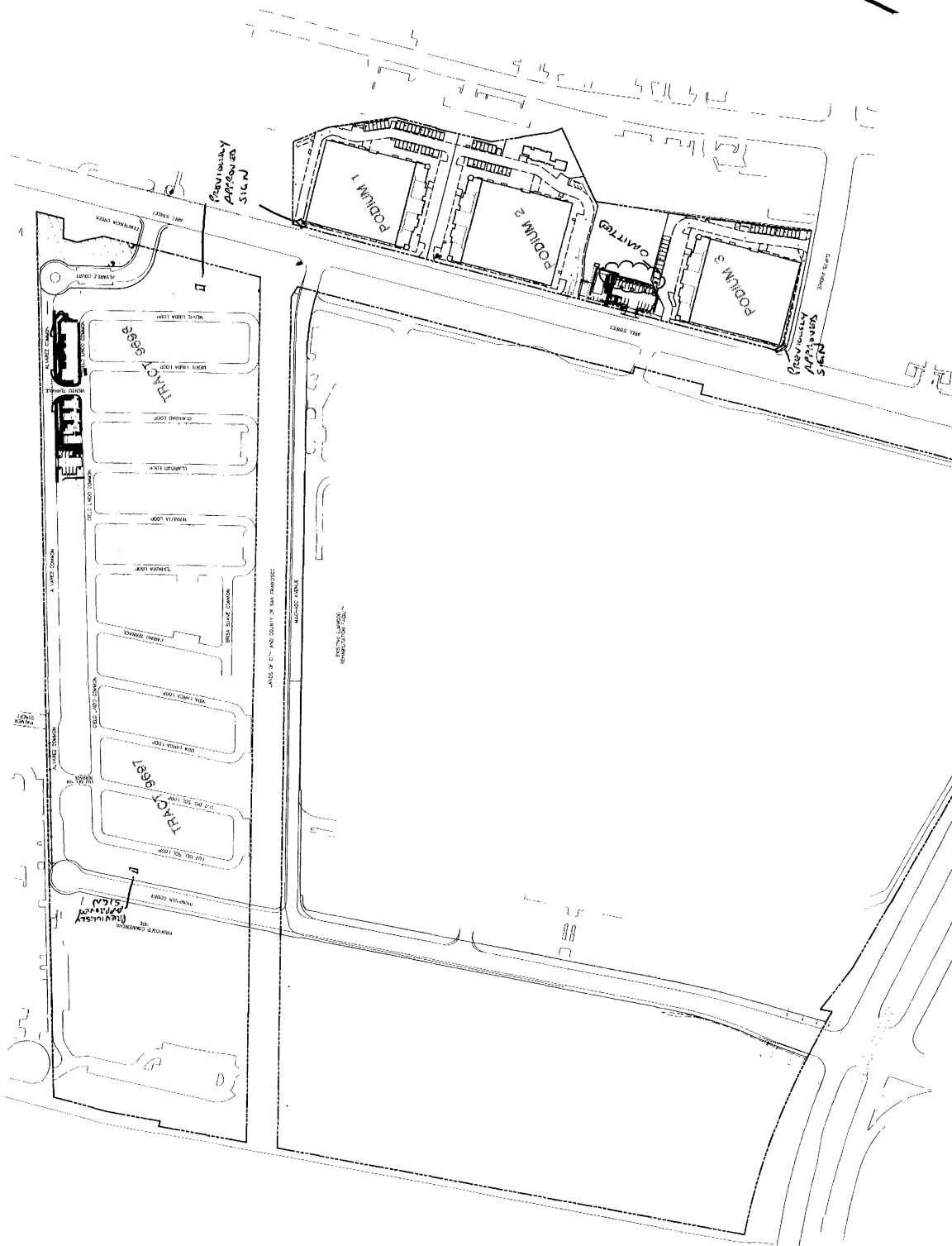
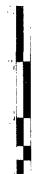
1/2" = 1' - 0"

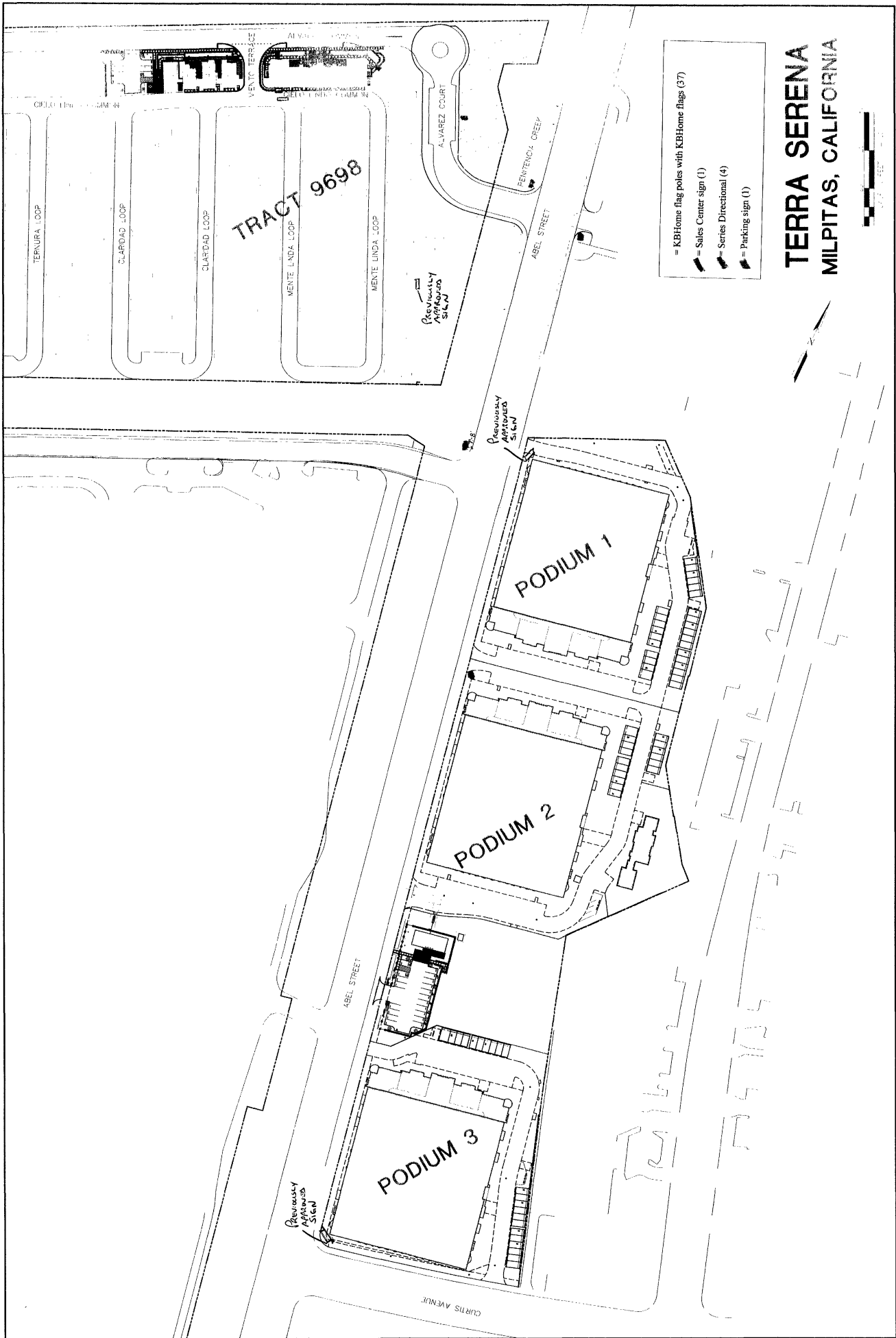
Specifications

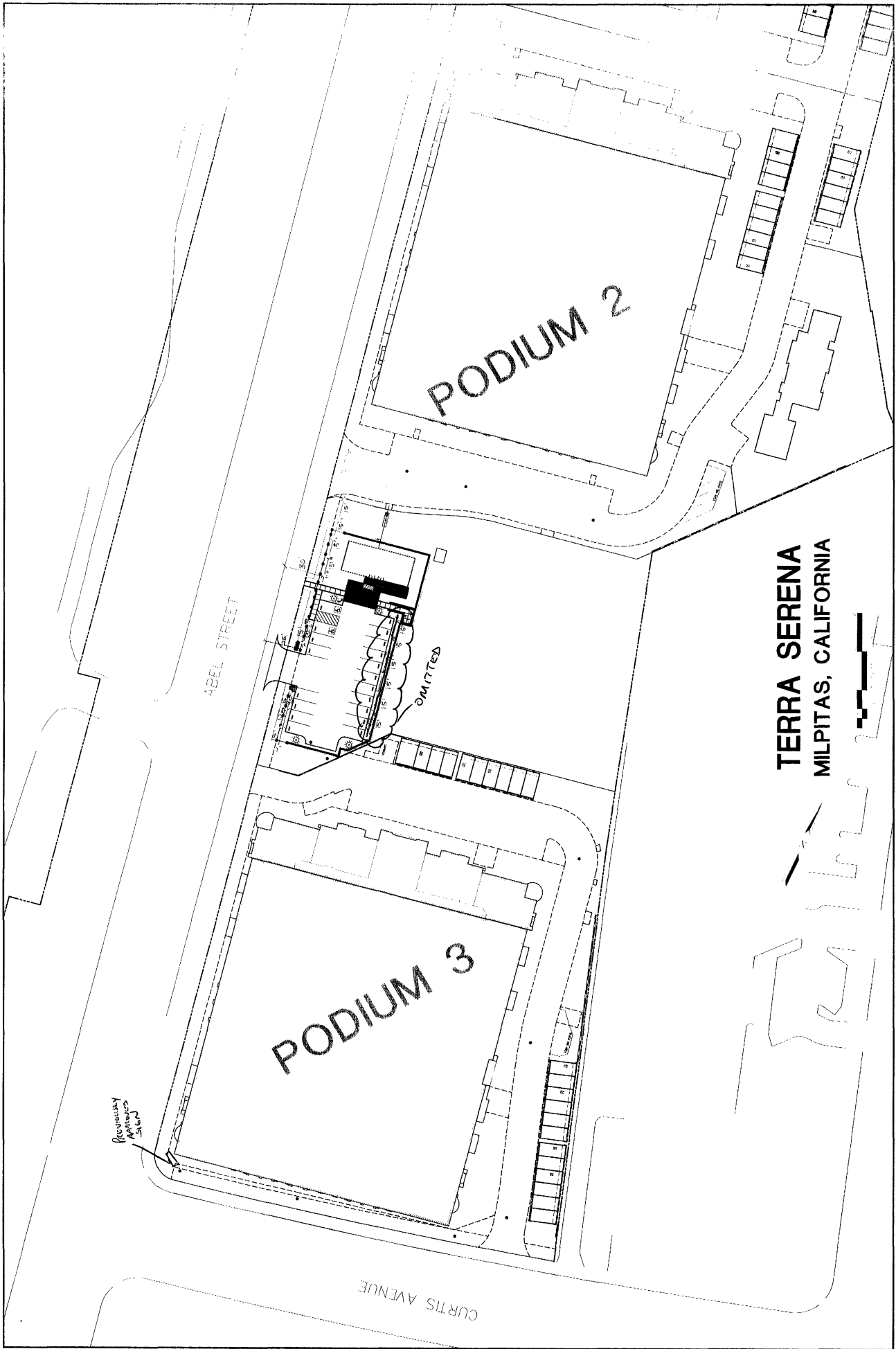
- Material – black Sunbrella (fire-retardant and fade-resistant)
- Size of awning varies by location and sales office configuration
- KB Home logo – “KB” white and “HOME” yellow (PMS 123C)
- Mounting to be governed by, and must accommodate, local codes.
- Printing technique – silkscreen

FRONT AWNING CONCEPTUAL

TERRA SERENA
MILPITAS, CALIFORNIA







TERRA SERENA
MILPITAS, CALIFORNIA

TERRA SERENA
MILPITAS, CALIFORNIA

